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13 PATAGONIA, INC.

14
15 UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
17
18 WESTERN DIVISION – LOS ANGELES

19 PATAGONIA, INC.,

20 Plaintiffs,

21 v.

22 MARYKATE WORTHINGTON,
23 et al.,

24 Defendants.

Case No. 2:18-cv-03868 FMO (RAOx)

**FINAL JUDGMENT AND
PERMANENT INJUNCTION AS
TO MARYKATE WORTHINGTON**

25 Plaintiff Patagonia, Inc. (“Patagonia”) has filed a Complaint alleging
26 counterfeiting, trademark infringement, unfair competition, and copyright
27 infringement under federal law against co-defendant MaryKate Worthington.
28 Ms. Worthington has imported, promoted, distributed, offered, and sold apparel
products, bearing one or more identical or substantially indistinguishable imitations
of Patagonia’s federally registered marks (the “Counterfeit Products”) using social
media, including Facebook user accounts or Facebook Groups. Ms. Worthington
consents to entry of judgment and permanent injunction, including the facts and
conclusions below, to resolve this matter.





The Court now enters final judgment based upon the following undisputed facts. Each party has waived the right to appeal from this final judgment and each party will bear its own fees and costs in connection with this action.

I. FACTS AND CONCLUSIONS

A. This Court has subject matter jurisdiction over this lawsuit and personal jurisdiction over Ms. Worthington. Venue is proper in this Court.

B. Patagonia owns numerous registrations for the PATAGONIA trademark, and for its distinctive logo depicting the Mt. Fitz Roy skyline (the “Fitz Roy Design”), for a wide ranging assortment of products. Among these are the following U.S. trademark registrations:

Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
PATAGONIA	1189402/ February 9, 1982	Men’s and Women’s Clothing-Namely, Sweaters, Rugby Shirts, Walking Shorts, Trousers, Jackets, Mittens, Hoods and Rainwear.	08/1974
	1294523/ September 11, 1984	Men’s, Women’s and Children’s Clothing- Namely, Jackets, Pants, Vests, Gloves, Pullovers, Cardigans, Socks, Sweaters, Underwear, Shirts, Shorts, Skirts and Belts	08/1974- 1981
	1775623/ June 8, 1993	Luggage back packs, and all-purpose sports bags	08/1988
PATAGONIA	1811334/ December 14, 1993	Luggage, back packs, fanny packs and all- purpose sport bags, foot- wear, ski bags and ski gloves	08/1990



Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
PATAGONIA	2260188/ July 13, 1999	Computerized on-line ordering activities in the field of clothing and accessories; Providing information in the field of technical clothing and accessories for use in recreational, sporting and leisure activities; providing information in the field of existing and evolving environmental issues	10/1995
PATAGONIA.COM	2392685/ October 10, 2000	On-line retail store and mail order services featuring technical clothing, footwear, and accessories; Computer services in the nature of on-line information related to the environment and clothing	10/1995
PATAGONIA	2662619/ December 17, 2002	Retail store services featuring clothing, footwear, luggage and a wide variety of sporting goods and accessories	06/1986

These registrations for the PATAGONIA mark and logos are in full force and effect. The registrations have become incontestable under 15 U.S.C. § 1065. Collectively, these marks, Patagonia's other registered trademarks, and its common law marks are referred to as the "PATAGONIA trademarks." A color image of the Fitz Roy Design follows:



1 C. Ms. Worthington acquired inventory of Counterfeit Products from
2 Wholesale Flourish Show, and promoted, distributed, offered, and sold such
3 Counterfeit Products.

4 **II. PERMANENT INJUNCTION AND AWARD**

5 It is hereby ordered and adjudged as follows:

6 A. Commencing as of the “So Ordered” date of this Final Judgment and
7 Permanent Injunction, Ms. Worthington, her agents, employees, attorneys,
8 successors, assigns, affiliates, joint ventures, and any person(s) in active concert or
9 participation with her, and/or any person(s) acting for, with, by, through, or under
10 her control who receive actual notice of this Order, are hereby permanently enjoined
11 and restrained, anywhere in the world, directly or indirectly, from doing, authorizing
12 or procuring any persons to do any of the following:

13 1. Manufacturing, producing, sourcing, importing, selling, offering
14 for sale, distributing, advertising, or promoting any goods or services that bear
15 reproductions of the PATAGONIA Trademarks;

16 2. Manufacturing, producing, sourcing, importing, selling, offering
17 for sale, distributing, advertising, or promoting any goods or services that display
18 any words or symbols that so resemble the PATAGONIA trademarks as to be likely
19 to cause confusion, mistake, or deception, on or in connection with any product that
20 is not authorized by or for Patagonia;

21 3. Using any word, term, name, symbol, device, or combination
22 thereof that causes or is likely to cause confusion, mistake, or deception as to the
23 affiliation or association of Ms. Worthington or her products with Patagonia or as to
24 the origin of Ms. Worthington’s goods, or any false designation of origin, false or
25 misleading description or representation of fact, or any false or misleading
26 advertising;

27 / / /

28 / / /



1 4. Further infringing the rights of Patagonia in and to its
2 PATAGONIA trademarks, or otherwise damaging Patagonia's goodwill or business
3 reputation;

4 5. Further infringing Patagonia's copyright rights, including its
5 rights in the Fitz Roy Design, or otherwise infringing any of Patagonia's rights
6 under the Copyright Act and any other source of federal or state law;

7 6. Otherwise competing unfairly with Patagonia in any manner; and

8 7. Assisting, aiding or abetting any person or entity engaging in or
9 performing any act prohibited by this paragraph.

10 C. This is a final judgment as to all claims asserted against Ms.
11 Worthington related to the Counterfeit Products, sold prior to the date of entry of
12 this Final Judgment and Permanent Injunction. Both parties shall bear their own
13 costs.

14 D. If Ms. Worthington is found to be in contempt of this injunction by a
15 court of law, she agrees that she will pay to Patagonia a liquidated penalty in an
16 amount no less than \$15,000.00 as liquidated damages, plus any other non-
17 duplicative penalties or damages arising from the contempt.

18 E. If Patagonia commences an action for enforcement of this Judgment,
19 the prevailing party shall be awarded reasonable attorneys' fees and costs from the
20 other party for both the action enforcing this Judgment and the underlying litigation.

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22 Dated: July 30, 2018
23
24

_____/s/_____
Hon. Fernando M. Olguin
United States District Judge

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